



Docket No.: 414.028/09900890
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alexander I. McALLISTER

Application No.: 09/309,274

Filed: May 11, 1999

For: VOICE RESPONSE APPARATUS AND
METHOD OF PROVIDING AUTOMATED
VOICE RESPONSES WITH SILENT
PROMPTING

Group Art Unit: 2645

Examiner: Joseph T. PHAN

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Technology Center 2600

DECLARATION UNDER 37 C.F.R. 1.131

I, Alexander I. McAllister, do declare that:

1. I am the inventor of the subject matter disclosed and claimed in the referenced patent application.
2. I understand that the Patent and Trademark Examiner has found the subject matter of claims 1-3, 5-8, 10-19, 21, 22, 24-30, 32-34, 36-39, 40-49, 51-56 and 58-62 of the referenced application to be anticipated under 35 U.S.C. §102 (e) by the disclosure of Beith et al., U.S. Patent No. 6,449,496 (hereinafter “Beith”), while claims 4, 9, 20, 23, 31, 35, 39, 50 and 57 are rejected under 35 U.S.C. §103 (a) as being obvious over Beith.
3. I do not agree with the Examiner’s position that Beith is relevant to the patentability of the claimed invention. Nevertheless, I submit this declaration to set forth evidence that I invented completely the subject matter of rejected claims in the United States prior to February 8, 1999, the application filing date of Beith.

4. The fact that my invention was made and tested in this country prior to February 8, 1999 is evidenced by the attached flowchart (Exhibit A) made by me prior to February 8, 1999, the flow chart depicting the operation of the BA Dialer system made by me and operational prior to the February 8, 1999 filing date of Beith. The BA Dialer as implemented prior to February 8, 1999 incorporated the features of at least the subject matter described by independent claims 1, 29, 32, 36, 52 and 55 both as originally filed and as subsequently amended and further including the subject matter described by independent claim 58 as subsequently added.

5. All of the activities detailed above were conducted and took place in the United States of America.

6. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8/11/2003

Date

Alexander I. McAllister

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